

the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims of facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 4F4389/R2163] (including objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 4F4389/R2163], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the

Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Environmental Protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 31, 1995.

**Daniel M. Barolo,**

*Director, Office of Pesticide Programs.*

#### PART 180—[AMENDED]

Therefore, 40 CFR part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 346a and 371.

2. In subpart D, by adding new § 180.1154, to read as follows:

**§ 180.1154 CryIA(c) and CryIC derived Delta-Endotoxins of *Bacillus thuringiensis* var. *kurstaki* Encapsulated in killed *Pseudomonas fluorescens*, and the expression plasmid and cloning vector genetic constructs.**

CryIA(c) and CryIC derived delta-endotoxins of *Bacillus thuringiensis* var. *kurstaki* encapsulated in killed *Pseudomonas fluorescens* and the expression plasmid and cloning vector genetic constructs are exempt from the requirement of a tolerance when used in or on all raw agricultural commodities.

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BILLING CODE 6560-50-F

#### 40 CFR Part 300

[FRL-5294-3]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Jackson Township Landfill Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region II announces the deletion of the Jackson Township Landfill Superfund site (Site) in Ocean County, New Jersey from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR Part 300, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey have determined that all appropriate Fund-financed responses under CERCLA have been implemented at the Site and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of New Jersey have determined that remedial actions conducted at the Site to date remain protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** September 13, 1995.

**ADDRESSES:** Comprehensive information on this site is available at the following addresses:

Jackson Township Municipal Complex,  
RD#4, Box 1000, Jackson, NJ 08527,  
Phone: (908) 928-1200

Ocean County Library, 101 Washington Street, Toms River, NJ 08753, Phone: (908) 349-6200.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Gowers, Remedial Project Manager, U.S. Environmental Protection

Agency, Region II, 290 Broadway, 19th Floor, New York, New York 10007-1866, (212) 637-4413.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Jackson Township Landfill Site in Ocean County, New Jersey.

A Notice of Intent to Delete for this site was published April 26, 1995 (60 FR 20473). The closing date for comments on the Notice of Intent to Delete was May 26, 1995. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund)—financed remedial actions. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Hazardous substances, Hazardous waste, Intergovernmental relations.

Dated: May 21, 1995.

**William J. Muszynski,**

*Acting Regional Administrator.*

40 CFR part 300 is amended as follows:

#### PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp. p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp. p. 193.

#### Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the "entry for Jackson Township Landfill Site" in Ocean County, New Jersey.

[FR Doc. 95-22489 Filed 9-12-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-25; RM-8588, RM-8633]

#### Radio Broadcasting Services; Waldport and Depoe Bay, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission denies the request of Jarvis Communications, Inc. to allot Channel 288A to Waldport, Oregon, as the community's first local FM service. See 60 FR 10533, February 27, 1995. The Commission grants the request of Ginna Jones to allot Channel 288A to Depoe Bay, Oregon, as its first local FM service. Channel 288A can be allotted to Depoe Bay in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 44-48-42 North Latitude and 124-03-42 West Longitude. With this action, this proceeding is terminated.

**DATES:** Effective October 23, 1995. The window period for filing applications will open on October 23, 1995, and close on November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-25, adopted August 31, 1995, and released September 8, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Depoe Bay, Channel 288A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 95-22785 Filed 9-12-95; 8:45 am]

BILLING CODE 6712-01-F

### 47 CFR Part 73

[BC Docket No. 79-269; RM-3392, RM-3398]

#### Television Broadcasting Service; Syracuse, New York; Correction

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains a correction to the Television Table of Allotments as published in the October 1, 1994, revision of 47 CFR part 73. The listing for Syracuse, New York, in § 73.606(b) incorrectly shows Channel 62 + instead of Channel 68 -. Channel 68 - was substituted for Channel 62 + at Syracuse pursuant to the *Second Report and Order*, BC Docket No. 79-269, 49 FR 21931, May 24, 1984.

**EFFECTIVE DATE:** September 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

#### SUPPLEMENTARY INFORMATION:

##### Background

Channel 68 - was substituted for Channel 26 + at Syracuse, NY, and Channel 62 was substituted for Channel 63 at Kingston, New York, in order to allot Channel 63 to Newton, New Jersey.

##### Need for Correction

As published, the final regulation contains a wrong channel allotment at Syracuse, NY, which is misleading and needs correction.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

#### PART 73—RADIO BROADCAST SERVICES

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 73 continues to read as follows:

**Authority:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.